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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,345

07/07/2003

Jack I. J'maev

JJ-036-US

8700

54556

7590

07/05/2006

INTELLECTUAL PROPERTY DEVELOPMENT

JACK IVAN J'MAEV

14175 TELEPHONE AVE.

SUITE L

CHINO, CA 91710

EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,345	Applicant(s) J'MAEV, JACK I.	
	Examiner Michael J. Fisher	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 40-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "the receivers" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 41 and 42 are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 40- are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,611,201 to Bishop in view of US PAT 6,611,755 to Coffee et al. (Coffee).

As to claims 40,45, Bishop discloses sending recall notice signals to multiple groups of targets comprising storing a product identifier in each of the receivers (col 16, lines 16-19), transmitting a recall notice to multiple groups of products (model, col 16, line 15-20), sensing the recall notice (col 16, lines 16-19), selectively responding to the recall notice only if the notice includes a product identifier (model or VIN, as discussed).

Bishop does not, however, teach sending and receiving signals only during time slots.

Coffee teaches a system for fleet management (title) in which signals are transmitted to vehicles via a wireless network (fig 1) during a series of time slots (abstract, lines 17-22). The receivers would inherently not respond if the signal is not in the time slot.

It would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop with the time-slot transmission as taught by Coffee as Coffee teaches this as a good way to send information to mobile assets.

As to claim 41, Bishop teaches storing in memory that a recall signal notice has been received (col 16, lines 42-45).

As to claim 42, Bishop does not teach storing the date in memory. Bishop does, however, teach storing the data in order to resolve disputes (col 16, lines 42-44). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop and modified by Coffee to store the date when the signal

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was received in order to better resolve a dispute. For instance, a sender could claim that the signal was sent out on a particular date while the vehicle owner could claim that it was received later. Saving the date would resolve that dispute.

As to claim 43, Coffee further discloses periodic time slots (fig 9).

As to claims 44,46,47, the time slots would inherently be selected.

As to claims 48,49 and 50, choosing which time slots for which vehicles would be a matter of obvious design choice and therefore, would not be patentably distinct.

Response to Arguments

Applicant's arguments filed 5/26/06 have been fully considered but they are not persuasive. As to arguments in relation to the terms, "recall notice identifier" and "notice identifier", these terms are not included in the claims. The examiner disagrees that the signal as taught by Bishop only identifies relays, as can be seen in col 1, lines 63-66. Specifically, "...which can access, monitor, control, disable and/or enable functions of the vehicles (***these features would be accessing the relays***) and/or deliver information (***this feature would not relate to relays***). As to arguments in relation to time slots, transmitting signals periodically is old and very well known in the art, as can be seen in the Coffee reference, and would not make the instant invention patentably distinct. As applicant has argued that the Parrillo reference is non-analogous art as it is not used for recalls, the examiner will respond in the same vein for the Coffee reference. Bishop and Coffee relate to sending signals and therefore, are analogous art. The examiner has used the Coffee reference also because both it and Bishop relate to sending information to vehicles, however, this aspect is not necessary as both relate to

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sending signals. The content of the signals would not make them non-analogous. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



Patent Examiner
GAU 3629

MF 
6/25/06